



Atty. Dkt. No. 024407-0102

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Crystal WATKINS et al.
Title: METHODS FOR PREVENTION
AND TREATMENT OF
GASTROINTESTINAL
DISORDERS
Appl. No.: 09/840,014
Filing Date: 04/19/2001
Examiner: RUSSEL, Jeffrey E.
Art Unit: 1653

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RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper responds to the election of species requirement in the Office Action mailed October 1, 2002. It is timely since it is filed with a Petition for an Extension of Time and the \$110 fee.

Applicants, with traverse, provisionally elect the species sildenafil for examination. It is submitted that each pending claim embraces this genus.

The restriction requirement is traversed, because a proper election of species requirement identifies evidence and explains why examining the claims presents a serious burden. MPEP § 803; *see also*, MPEP § 802.2 (defining restriction to include election of species). In this case, a serious burden is alleged but unsupported by evidence of record. Office action, p. 2. Thus, the requirement is improper and should be withdrawn.

If, however, the Examiner maintains the rejection, it is requested that he examine a reasonable number of species as promised. Id. For help selecting the next species, the Examiner is invited to call the undersigned representative.

Respectfully submitted,

Date

11/22/12

By



FOLEY & LARDNER

Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 295-4166

Facsimile: (202) 672-5399

Sean A. Passino

Registration No. 45,943

If any [further] extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this paper, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to our Deposit Account No. 19-0741.